LeMond Cycling, Inc. v. Trek Bicycle Corporation Doc. 140

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant and Third-Party Plaintiff,

v.

GREG LEMOND,

Third-Party Defendant.

Case No. 08-CV-1010 (RHK-JSM)

AFFIDAVIT OF JOE SIEFKES

STATE OF WISCONSIN)
) ss.
COUNTY OF JEFFERSON)

Joe Siefkes, being first duly sworn under oath, deposes and states as follows:

1. I am an adult resident of the State of Wisconsin and am Vice President of Finance for the Defendant, Trek Bicycle Corporation. I make this affidavit on personal knowledge.

2. Trek operates and maintains a computer system that automatically captures all sales made to dealers and stores that data in a database.

3. Due to the automatic process by which the sales data is captured and stored, the sales data capture is very accurate.

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4. The sales data captured in the database is stored on a secure server maintained at Trek's headquarters in Waterloo, Wisconsin. When the sales data is accessed by Trek using various data management business tools, the data it is not modified or altered.

5. The sales data for Trek United States road bike sales and LeMond United States road bike sales contained in the reports located at TREK013364 and TREK013692 was extracted from the Trek sales database using a data management business tool in May 2009. These reports, attached as Exhibit A, show Trek's sales of Trek road bikes and LeMond road bikes to dealers in the United States during the years reported.

6. In addition to the millions of dollars in royalties paid to LeMond, Trek has invested many millions of dollars more in designing, manufacturing, promoting and selling LeMond-branded bikes.

s/ Joseph R. Siefkes
Joe Siefkes

Subscribed and sworn to before me
this 5th day of August, 2009.

s/ Lisa Smith
Notary Public, State of Wisconsin
My Commission expires: 10/17/2010